

No. 01-572

IN THE SUPREME COURT OF THE STATE OF MONTANA

PAUL ADAMSON,

Plaintiff-Appellant,

-vs-

PONDERA COUNTY and THE HUMAN RIGHTS COMMISSION OF THE STATE
OF MONTANA,

Defendants-Respondents.

APPENDIX OF RESPONDENT PONDERA COUNTY

Appearances:

Attorneys for Plaintiff-Appellant:

Jeff R. Lynch
3124 Aviemore Court
Billings, MT 59101

Attorneys for Defendant-Respondent
Pondera County:

Roger T. Witt
Ugrin, Alexander Zadick
& Higgins, P.C.
P.O. Box 1746
#2 Railroad Square, Suite B
Great Falls, Montana 59403

Attorneys for Defendant-Respondent
Montana Human Rights Commission

Kevin Braun
Legal Bureau
Montana Department of Labor
and Industry
P.O. Box 1728
Helena, Montana 59624-1728

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COLUMBUS HOSPITAL
GREAT FALLS, MONTANA

COPY

ADAMSON, PAUL
334260 - 4477162
M.B. LUCKETT, MU
AQB 64
XO

MAY 27, 1994 - BILATERAL SHOULDER ARTHROGRAM EVALUATIONS:

The nature of these exams were explained in detail to the patient including possible complications such as infection in the shoulder joint developing. The nature of this was discussed and understood. The patient denies any significant allergies.

Following local anesthetic and antiseptic technique the left shoulder and the right shoulder arthrogram were performed. The patient tolerated the procedures well. After the first exam the patient was asked if he wished to continue and he said he certainly did since it was not a difficult examination.

The arthrogram findings reveal rotator cuff tear on both shoulders. Both left and right side show prompt contrast extension into the subacromial space and into the subdeltoid bursa.

IMPRESSON: Abnormal bilateral shoulder arthrograms as described. Both show rotator cuff tear injury.

J.C. MAILANDER, MD/lgd

5/27/94

5/27/94 1835

COPY

X-RAY REPORT

A-1

COLUMBUS HOSPITAL
GREAT FALLS, MONTANA

COPY

ADAMSON, PAUL
334260
M. E. LUCKETT, M.D.

DATE OF ADMISSION: 6-2-94
DATE OF DISCHARGE 6-3-94

ADMISSION DIAGNOSIS: Bilateral rotator cuff tears.

PERTINENT HISTORY AND PHYSICAL EXAMINATION: This is a 64-year-old male with about a one month history of right dominant extremity weakness and almost a six month history of left shoulder pain and weakness. Arthrograms revealed bilateral rotator cuff tears. Physical examination shows pain with abduction, external rotation. He does have full active range of motion with +3/5 strength in abduction.

COURSE IN HOSPITAL The patient was taken to the operating room on the date of admission and underwent right shoulder rotator cuff repair. Postoperative course was essentially unremarkable. He was discharged home 6-3-94.

FINAL DISCHARGE DIAGNOSIS: Bilateral rotator cuff tear, status-post right shoulder rotator cuff repair.

DISCHARGE MEDICATIONS: Duricef 500 mg dispensed #20 sig 1 p.o. b.i.d., Bancap HC dispensed #40 sig 1 p.o. q4h p.r.n. pain.

FOLLOW-UP: In six weeks time in Out Bank.

ACTIVITY: Patient is instructed to wear his abduction pillow full-time.

M. E. LUCKETT, M.D./kjc

6-3-94 0927

6-3-94 1754

DISCHARGE SUMMARY

ADAMSON, PAUL

05/13/94

CUT BANK

Note to Tom Meagher, P.T.

Paul is in today for evaluation of bilateral shoulder pain. He notes that his left shoulder has hurt since a fall, I believe, in February of this year when he slipped on some ice and landed on his elbow. His right shoulder, he says, popped out, as he put it, about two weeks ago and, since then, he has had weakness and difficulty abducting his shoulder in addition to shoulder pain. X-rays taken today show no gross abnormalities of either shoulder. The subacromial space looks symmetrical without any superior subluxation of the shoulders consistent with a large full thickness rotator cuff tear. He appears to have some impingement type symptomatology, but he also has marked weakness of abduction bilaterally and marked pain with resisted abduction with elbows at his side and in various degrees of abduction. At about 90° of abduction, I would rate his strength as only about 3+ at best, and he has marked pain associated with resistance in this position. I think this is most consistent with a rotator cuff tear, and it would appear that he may have bilateral tears with his right side being the more symptomatic of the two. I have made arrangements for him to have bilateral shoulder arthrograms down in Great Falls, and I will re-evaluate him after this is done.

Michael Luckett, MD/BI

lyc.
 PMH - surgery after surgery, (R) shoulder
 sprain, mel's, allergy,
 throat acc. smoking
 FH: diabetes mother
 SA: heavy smoking
 ROS:
 with defect pt
 5/21/94 m.c.

ADAMSON, PAUL

07/15/94

Note to Tom Meagher, P.T.

This is follow-up on Paul, now six weeks post right shoulder rotator cuff repair. I have discontinued utilization of his abductor splint. I have given him some passive and active range of motion exercises. I will see him back in Cut Bank in about three weeks' time and will anticipate that we will enroll him in some formal physical therapy at that point. I think we should wait probably another 6-8 weeks before we anticipate doing his other rotator cuff repair.

Michael Luckett, MD/BI

Michael E. Luckett, M.D.

ADAMSON, PAUL

08/12/94

CUT BANK

Note to Tom Meagher, P.T.

This is follow-up on Paul for his right shoulder rotator cuff repair. He is now about 2 1/2 months postop and has been doing his own home exercise program. His range of motion now is full. He has only occasional mild discomfort, and he notes his strength is improving daily. Since he is doing so well, I think he can go ahead and continue on a home Theraband exercise program as he has been doing, utilizing Theraband. I will plan on re-evaluating him again in about two months. He wishes to put off repair of his left rotator cuff at this time. I have told him he can go back to work, but I would like him to avoid lifting anything greater than about 20 pounds.

Michael Luckett, MD/BI

ADAMSON, BUD

10/14/94

CUT BANK: CLINIC

Note to Tom Meagher, P.T.

This is follow-up on Bud for his bilateral rotator cuff tears. He had his right shoulder repaired in June and continues to do well with absolutely no pain. He is continuing on a home exercise program. His left shoulder continues to bother him, although not continuously. I think we should go ahead and repair the left shoulder rotator cuff tear as well as I think Mr. Adamson is a relatively active 64-year-old male with a relatively good prognosis for living another decade or more. I will plan on seeing him again in January, and we will discuss fixing his left shoulder.

Michael Luckett, MD/BI

ADAMSON, PAUL

01/10/95

CUT BANK

Note to Tom Meagher, P.T.

This is follow-up on Paul for his right shoulder rotator cuff repair, now about six months post surgery. He states that his right shoulder is doing quite well. He's not having any problems. He does have some pain in his left shoulder but continues to have full active range of motion. I think that, certainly, at some point, we should go ahead and repair his left rotator cuff. He wants to put this off for now, so I think it would be reasonable to let him go back to work without restrictions.

Michael Luckett, M.D./BI

1-23-95 All office notes to Jeff Lynch, Attorney. Request/
release in chart. PM

2/10/95 discussed planned
surgery on her shoulder
f/u 3/95 ~1/95

3/3/95 plan surgery by end
M.C.

Michael E. Luckett, M.D.

MICHAEL E. LUCKETT, M.D.

Orthopedic Surgery
400 - 15th Avenue South, Suite 104
Great Falls, MT 59405
(406) 701-2020

Date 8/12/54

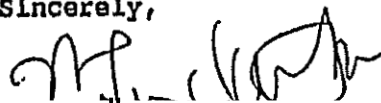
RE: Adams Paul

To Whom it May Concern,

This patient is under my care for rotator cuff tears shoulder

He/She may may not return to work or heavy: I am placing the following
restrictions on his/her activities: no lifting more
than 20 lbs 1

Sincerely,



Michael E. Lockett, M.D.

MICHAEL E. LUCKETT, M.D.

Orthopedic Surgery
400 - 15th Avenue South, Suite 104
Great Falls, MT 59405
(406) 701-2020

Date 8/10/94

RE: BUD ADAMSON

To Whom It May Concern, :

This patient is under my care for

written copy to

He/She may/may not return to work or school. I am placing the following
restrictions on his/her activities:

no lifting more
20 lbs. weight

from
extremities

Sincerely,



Michael E. Lockett, M.D.

MICHAEL E. LUCKETT, M.D.
Orthopaedic Surgery
400 - 15th Avenue South, Suite 104
Great Falls, MT 59405
(406) 761-2020

Date 8/23/94

RE: PAUL (BUD) ADAMSON

To Whom It May Concern,

This patient is under my care for ROTATOR CUFF TEARS

He/She may/may not return to work or school. I am placing the following

restrictions on his/her activities: NO LIFTING MORE THAN 20 LBS. RIGHT

UPPER EXTREMITY FOR APPROX. 6 MONTHS.

Sincerely,



Michael E. Lockett, M.D.

MICHAEL E. LUCKETT, M.D.

Orthopedic Surgery
400 - 15th Avenue South, Suite 104
Great Falls, MT 59405
(408) 761-2020

Date

1/13/95

Re:

Paul Anderson

To Whom It May Concern,

This patient is under my care for

right shoulder rotation cuff tear

He/she may/may not return to work or school. I am placing the following
restrictions on his/her activities: none

Sincerely,


Michael E. Lockett, M.D.

COLUMBUS HOSPITAL
GREAT FALLS, MONTANA

ADAMSON, PAUL
334260
M.E. LUCKETT, M.D.

COPY

DATE OF ADMISSION: APRIL 3, 1995

DATE OF DISCHARGE: APRIL 4, 1995

ADMISSION DIAGNOSIS: Left shoulder rotator cuff tear.

PERTINENT HISTORY AND PHYSICAL EXAMINATION: This 64-year-old male has a history of left shoulder rotator cuff tear documented by arthrogram. Physical examination shows impingement type pain and some abduction weakness.

COURSE IN THE HOSPITAL: The patient was taken to the operating room on the date of admission and underwent left shoulder rotator cuff repair. Postoperative course was essentially unremarkable. He was discharged to home 4/4/95.

FINAL DISCHARGE DIAGNOSIS: Left shoulder rotator cuff tear, status post repair.

DISCHARGE MEDICATIONS: Vicodin dispensed No. 60, sig. I PO q 4 to 6 H prn pain.

ACTIVITY: Full time sling wear.

FOLLOW-UP in Out Bank in approximately 10 days time.

M.E. Lockett, M.D./pmg

4/24/95 1318

4/25/95 1209 #2634

DISCHARGE SUMMARY

Michael E. Luckett, M.D.

ADAMSON, BUD

04/14/95

CUT BANK

Note to Tom Meagher, P.T.

This is about a 10-day follow-up on Bud for his left shoulder rotator cuff repair. He has no complaints. The incision is well healed. The staples are removed. He is to continue wearing his sling for one month. I will see him again in a month, and we will plan on beginning some physical therapy.

Michael Luckett, M.D./BI

5-10-95 Office note from 1-13-95 and 4-14-95 and OP rep. dated 4-3-95 to attorney Giff Lynch. Request release in chart. PAm

ADAMSON, BUD

05/12/95

CUT BANK

Note to Tom Meagher, P.T.

Bud is now about six weeks status post left shoulder rotator cuff repair. He has no complaints. I have written a prescription to begin active and passive range of motion exercises for three weeks followed by resistive exercises three times a week for five more weeks. I have given him a work release for light duty beginning next Monday. He is not to utilize his left upper extremity for any lifting activities, then six weeks later he can begin lifting activities with a restriction to 20 pounds. I would like him to continue that until January of 1996 at which time he will have the full work release. I will plan on reevaluating Bud in about two months.

Michael Luckett, M.D./BI

ADAMSON, PAUL

07/14/95

CUT BANK

Note to Tom Meagher, P.T.

This is follow-up on Mr. Adamson for left shoulder rotator cuff repair. He is now about 2½ months post rotator cuff repair. He notes that he is gradually improving, but it seems like his shoulder is improving more slowly than the other. He has active abduction to about 100°; passively, he goes to about 110°. Flexion is about 120°. External rotation is symmetric.

He is to continue on his home exercise program, and he can go ahead and go back to work. I have given him a lifting restriction of 25 pounds at waist level and 15 pounds above shoulder level. I will plan on reevaluating him next month in Cut Bank.

Michael Luckett, M.D./BI

ADAMSON, BUD

08/18/95

CUT BANK CLINIC

Note to Tom Meagher, P.T.

This is a four-month follow up on Bud now for his left shoulder rotator cuff repair.

PHYSICAL EXAM is essentially unchanged from previously. He notes gradual improvement with minimal discomfort. He can continue now on a home exercise program. I will plan on reevaluating him again in two months' time.

Michael E. Luckett, M.D./BI

ADAMSON, PAUL

10/10/95

CUT BANK CLINIC

Note to Tom Meagher

This is follow-up on Paul for his bilateral shoulder rotator cuff repair. Overall, he is doing quite well. He says that his left shoulder is not healing quite as rapidly as his right, but it continues to improve. I think that it would be okay at this point for him to go back to work without restrictions. I have reminded him that, at age 65, he no longer should expect to do what a young man can do and I would be concerned about any heavy overhead lifting activities. On discussion of his job description, however, he says that this should be unlikely; any heavy lifting such as 50 or 100 pounds would be done, essentially, as a hanging type lift, lifting with his lower extremities and grip strength. I will see him again in six months' time. He is to continue on a home exercise program.

Michael E. Luckett, MD/BI

2-23-96 Sent Bud a card Rescheduling him from 4-12 to 4-26-96 in C.B. as we changed date of C.B. Clinic.
1-24 PM

A-10

AL

CUT BANK CLINIC *Note to Tom Muegher...*

This is follow-up on Paul for his bilateral shoulder rotator cuff repair. He notes that his right shoulder does not bother him at all. His left shoulder gives him occasional twinges of pain, only with overhead lifting activities. Otherwise, he has no discomfort. He is to continue on his exercises indefinitely. If he has any worsening symptoms, he is to let me know. Otherwise, he requires no further follow-up.

Michael E. Luckett, MD/BI

Michael E. Luckett, M.D.

MICHAEL E. LUCKETT, M.D.

Orthopedic Surgery
400 - 15th Avenue South, Suite 104
Great Falls, MT 68405
(406) 761-2020

Date

5/12/95

RE:

Bud Adams

To Whom it May Concern,

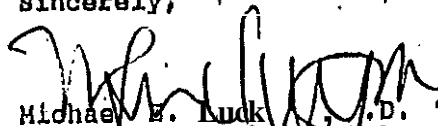
This patient is under my care for

left shoulder rotator cuff injury

He/She may/may not return to work or school. I am placing the following restrictions on his/her activities:

5/15/95 no use left
upper extremities & 6 weeks then 20 lb left
restriction & 4 more months
then no restriction as of 1/96

Sincerely,


Michael E. Lockett, M.D.
Michael E. Lockett, M.D.

MICHAEL E. LUCKETT, M.D.
Orthopedic Surgery
400 - 15th Avenue South, Suite 104
Groat Falls, MT 59405
(406) 701-2020

Date

7/14/55

RE:

Bruce Anderson

To Whom It May Concern,

This patient is under my care for

left shoulder & intercept

He/She may/may not

return to work

or

school:

I am placing the following

restrictions on his/her activities:

no lifting greater
than 25 lbs to waist level,
no lifting more than 15 lbs
above shoulder level & 3 minutes

sincerely;

Michael E. Lockett, M.D.

MICHAEL E. LUCKETT, M.D.
Orthopedic Surgery
400 - 15th Avenue South, Suite 104
Great Falls, MT 59405
(406)761-2020

Date - 10/13/95

RE: Paul Adenman

To Whom it may Concern,

This patient is under my care for bilateral wrist cuff tears
He/She may/may not return to work or school. I am placing the following
restrictions on his/her activities: none

Sincerely,



Michael E. Lockett, M.D.

